

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

PAUL DUFFY,)	Case No. 1:13-cv-01569
)	Honorable John W. Darrah
Plaintiff,)	Removed from:
)	Circuit Court of Cook County, IL
v.)	No. 13-L-001656
)	
PAUL GODFREAD, ALAN COOPER,)	Consolidated with:
)	<i>Prenda Law v. Godfread, et al,</i>
)	No. 1:13- cv-04341 (N.D. Ill.)
and JOHN DOES 1-10,)	
)	
Defendants.)	
)	
PAUL GODFREAD AND ALAN)	
COOPER,)	
)	
Counter-Plaintiffs,)	
)	Honorable John W. Darrah
v.)	
)	
PRENDA LAW, INC. AND PAUL)	
DUFFY,)	
)	
Counter-Defendants.		

DECLARATION OF ERIN K. RUSSELL IN SUPPORT OF COUNTER-PLAINTIFFS'
MOTION FOR ENTRY OF DEFAULT AGAINST PRENDA LAW, INC. AND PAUL DUFFY

I, Erin K. Russell, declare:

1. My name is Erin K. Russell and I am a member of the Bar of the State of Illinois and the State Bar of Georgia.
2. I have first-hand knowledge of the facts set forth herein, or have learned these facts first-hand, and if called and sworn as a witness, I could and would testify competently and from personal knowledge as to these facts.

3. Case Number 1:13-cv-01569 (originally known as Paul Duffy v. Paul Godfread and Alan Cooper) was removed to this Court from the Circuit Court of Cook County on February 28, 2013. [ECF No. 1]
4. This matter was originally assigned to the Honorable John F. Grady, but by Order of the Executive Committee was reassigned to the Honorable John W. Darrah on March 7, 2013. [ECF No. 5]
5. On March 21, 2013 Godfread and Cooper filed their Answer and Counterclaim in both *Duffy v. Godfread, et al* and *Prenda Law, Inc. v. Godfread, et al.* [NDIL ECF No. 6; SDIL ECF No. 5]¹
6. Duffy and Prenda filed a motion to dismiss Godfread and Cooper's Counterclaim on April 11, 2013. [ECF No. 9]
7. On August 14, 2013, Duffy and Prenda's Motion to Dismiss the Counterclaim was granted and the Counterclaim was dismissed without prejudice. [ECF No. 27]
8. On September 16, 2013, Godfread and Cooper filed their Amended Counterclaim. [ECF No. 36]
9. On September 30, 2013, Duffy and Prenda filed a motion for extension of time to answer the Amended Counterclaim. [ECF No. 37]

¹ Case Number 1:13-cv-04341 (originally known as Prenda Law, Inc. v. Paul Godfread and Alan Cooper) was removed to the Southern District of Illinois on March 1, 2013 [ECF No. 1]. On March 26, 2013, Godfread and Cooper filed a Motion to Transfer the case to the Northern District. [ECF No. 7, 8]. On June 6, 2013, Judge David R. Herndon granted Godfread and Cooper's Motion to Transfer and ordered that *Prenda Law, Inc. v. Godfread, et al* be transferred to the Northern District of Illinois. [ECF No. 29]. The case was originally assigned to the Honorable Matthew F. Kennelly. [ECF No. 32]. Godfread and Cooper filed a Motion to Transfer the case ending 4341 and to consolidate it with the lower-numbered, related case already pending before the Honorable John W. Darrah. The Motion was granted, and the Executive Committee reassigned the case to Judge Darrah on July 16, 2013. [ECF No. 37]. Judge Darrah granted Godfread and Cooper's Motion to Consolidate the cases on June 28, 2013. [ECF No. 26]

10. The motion for extension was granted on October 8, 2013. Duffy and Prenda were ordered to file their Motion to Dismiss by October 28, 2013. [ECF No. 42]
11. Duffy and Prenda filed their Motion to Dismiss the Amended Counterclaim on October 29, 2013. [ECF No. 43]
12. On March 5, 2014, the Court entered an order striking Godfread and Cooper's Amended Counterclaim with leave to replead. [ECF No. 48]
13. On April 4, 2014, Godfread and Cooper filed their Second Amended Counterclaim against Duffy and Prenda. [ECF No. 50]
14. On May 8, 2014, the parties appeared before the Court for a status hearing. Duffy appeared on that date and informed the Court that he would be filing a Motion to Dismiss the Second Amended Counterclaim. The Court ordered that the Motion to Dismiss the Second Amended Counterclaim was to be filed by May 23, 2014, and set a status/ruling date of August 27, 2014. [ECF No. 52]
15. Duffy and Prenda did not file a Motion to Dismiss the Second Amended Counterclaim. No extension of time to do so was requested. In fact, there has been no activity on this matter on the docket or otherwise since May 8, 2014.
16. More than 21 days have elapsed since Duffy and Prenda were served with Godfread and Cooper's Second Amended Counterclaims and both Duffy and Prenda have failed to plead or otherwise defend this action as provided by the Federal Rules of Civil Procedure.
17. In fact, 144 days have passed since Duffy and Prenda were served with Godfread and Cooper's Second Amended Counterclaim with no response from Duffy and/or Prenda.

18. Upon information and belief, and in accordance with public records searching, Duffy is not a minor.
19. Upon information and belief, and in accordance with public records searching, Prenda Law, Inc. is a dissolved Illinois corporation.
20. Duffy claimed in the Complaints filed in these actions that at all times relevant he was the sole officer of Prenda Law, Inc. He has also been counsel of record for Prenda Law, Inc. for the duration of these cases.
21. Upon information and belief, Duffy is not incompetent.
22. Upon information and belief, Duffy is not on active duty in the United States Military.

I declare, under penalty of perjury, and under the laws of the United States of America and the State of Illinois that the foregoing is true and correct. Executed in Chicago, Illinois on August 26, 2014.

By: Erin K. Russell